

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RANSON LEROY CLAY,

Defendant-Appellant.

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UNPUBLISHED

March 6, 2007

No. 267862

Wayne Circuit Court

LC No. 05-008945-01

Before: Hoekstra, P.J., and Markey and Wilder, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of arson of a dwelling house, MCL 750.72, and two counts of assault with intent to commit murder, MCL 750.83. He was subsequently sentenced as a third habitual offender, MCL 769.11, to serve concurrent terms of 10 to 40 years' imprisonment for his arson conviction and 35 to 60 years for each of the assault convictions. Defendant appeals as of right. We affirm.

Defendant argues that the prosecution presented insufficient evidence of intent to support his convictions of assault with intent to commit murder.<sup>1</sup> We disagree.

Generally, we review a challenge to the sufficiency of the evidence de novo, to determine whether a rational trier of fact could have found that each element of the crime was proved beyond a reasonable doubt. *People v Harmon*, 248 Mich App 522, 524; 640 NW2d 314 (2001). A trial court's findings of fact at a bench trial are, however, reviewed for clear error. MCR 2.613(C); see also *People v Gistover*, 189 Mich App 44, 46; 472 NW2d 27 (1991). A finding of fact is considered "clearly erroneous if, after review of the entire record, the appellate court is left with a definite and firm conviction that a mistake has been made." *Gistover, supra*.

A defendant's intent is generally a question of fact to be inferred from the circumstances by the trier of fact. *People v Tower*, 215 Mich App 318, 323; 544 NW2d 752 (1996). The intent necessary to convict a defendant of the offense of assault with intent to commit murder is the specific intent to kill. See *People v Brown*, 267 Mich App 141, 150; 703 NW2d 230 (2005).

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<sup>1</sup> Defendant does not challenge the sufficiency of the evidence presented to support his conviction of arson of a dwelling house.

The intent to kill may be proven by inference from any facts in evidence. *People v McRunels*, 237 Mich App 168, 181; 603 NW2d 95 (1999). Moreover, because of the difficulty of proving an actor's state of mind, minimal circumstantial evidence of intent is sufficient. *Id.*

The evidence produced at trial, which defendant does not contest on appeal, showed that defendant threw a bottle filled with gasoline and containing a burning rag through the window of a home occupied by Jeffrey Lanum and his mother, Betty Jackson. The trial court found that defendant's conduct in this regard demonstrated that he intended to kill any occupants of the house. We find no clear error in this conclusion. Indeed, the record indicates that the act occurred at 8:00 a.m. on a Sunday morning, a time when it would be reasonable to assume that the occupants might still be at home, if not still asleep. Moreover, the bottle containing the gasoline and burning rag was thrown through a front window into an area that might reasonably be expected to contain objects such as furniture and rugs that would catch fire quickly. Lanum testified that the fire spread quickly, and Jackson testified that by the time she woke up and attempted to descend the stairs, smoke had filled the stairway, making it difficult to maneuver down the stairs. On these facts, we are not left with a definite and firm conviction that the trial court was mistaken in finding the intent necessary to convict defendant of assault with intent to commit murder. *Gistover, supra*. The intent to kill may be inferred from the nature of defendant's actions and the fact that he used an instrument, a firebomb, that is "naturally adapted to produce death." See *People v Taylor*, 422 Mich 554, 568; 375 NW2d 1 (1985), quoting *Roberts v People*, 19 Mich 401, 415-416 (1870). Defendant was not required to announce his intent, *McRunels, supra*, or to direct such intent toward any particular person, *People v Abraham*, 234 Mich App 640, 658; 599 NW2d 736 (1999) (general intent to kill need not be directed at an identified individual or the eventual victim).

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Jane E. Markey  
/s/ Kurtis T. Wilder